

1672. May 16 1902

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A Modest and Impartial
NARRATIVE
Of several Grievances and
Great Oppressions
That the Peaceable and most Considerable Inhabitants
OF
Their Majesties Province
OF
NEW-YORK
IN
AMERICA
Lie Under,

By the Extravagant and Arbitrary Pro-
ceedings of *Jacob Leyster* and his
Accomplices.



The Reader is hereby advertised, That the Matters contained in the following Declaration and Narration, were intended to have been presented to the Mayor's Court in New-York, the 21st of January last past, but that the Fury and Rage of this Insolent man Leyler, was grown to that hight, that the day before, by his order, several Persons of Note were violently seized, and divers Houses broken open, so as it was not thought safe to proceed in such Method. For which reason its thought well to publish the same, for information of all into whose hands it may come, but more especially for the benefit of our fellow Inhabitants, who are abused by the false Pretentions of this common Violater of our Laws and Liberties, as by the following Narrative will plainly appear, Wherein, the Courteous Peruser is desired to take notice, it hath been our great Care to relate nothing but Matters of Fact, of which we have substantial Credible Evidences.

The Narrative, &c.

OUT of the deep Sence we have of the good Providence of Almighty God, in their Majesties happy Accession to the Imperial Crown of *England, &c.* In the first place, We, in a most Christian manner, with Hearts and Hands lifted up to Heaven, give Glory to Almighty God, for this so happy a Revolution, whereof it hath pleased the most High to appear the principal Author. In the next place, We cannot but declare and publish to the World our Hearty & Thankful Resentments of the Noble, though Hazardous Enterprise of the late Prince of *Orange*, our now most Dread Sovereign, King of *England, Scotland, France and Ireland*, Defender of the Faith, &c. the Noble Hero of this Age, for the Protestant Religion, and the Preservation of the Laws and Liberties of the English Nation unviolated, manifesting hereby, that as in Duty bound, so in point of Gratitude, we can do no less than Dedicate our Lives and Fortunes to their Majesties Services, with our most serious and continued Prayers for their Majesties long and happy Reign over us, being well satisfied in our selves, that what our Native Land so plentifully enjoys under their Reign, to wit, the Laws and Liberties of the *English Nation*. We (though inhabiting a remote part of their Dominion) shall share with them in the common Propriety.

In consideration whereof in all Humble and Obedient manner, as Dutiful Subjects to their Majesties, and Well-wishers

wishers to this their Province of New-York, We can do no less than in the presence of God, and to the World, declare our Abhorrence and Dislike of the Unreasonable, Illegal and Arbitrary Proceedings of some men inhabiting with us in this their Majesties Province, who have usurped Authority over us.

Against all such Proceedings of theirs, hereafter faithfully and impartially set down, and against them, as the Actors thereof, we do hereby publickly Declare and Protest.

Now to the end the Reasonableness of this our Protestation may appear unto all to whose hands it may come, we count our selves obliged to give a brief Recital of the Care of our late Lieutenant Governour *Francis Nicholson*, for the more peaceable quiet and satisfactory governing this their Majesties Province.

To obviate all suspicion of Jealousies that might arise in ill affected Turbulent Spirits, our said Lieutenant Governor by and with the consent of so many of the Council as here resided (upon the whispering of the late happy Change) did convene together the Mayor, Aldermen and common Council Men of the City of New-York, with all the Commission Officers of the Militia of this City and County; at which Convention our said Lieutenant Governour proposed to admit of part of the Train-bands of this City and County to take their turns of Watching and Warding within their Majesties Fort, under their own Officers; And further offered, with the advice and consent of his Council, Civil and Military Officers, there met and assembled, That the Customs formerly paid by the Inhabitants of this Province, should still continue, only with this alteration, that whereas formerly it was expended and laid out in defraying of the Charges of the Government, and Souldiers in pay in the Garrison, it should thence forward be employed in the fortifying

tifying and putting this City in a posture of Defence against a Foreign Enemy, on which the Well-fare and Safety of this Province so much depends.

In pursuance of the same, an order issued forth from the said Convention, signed by the Lieutenant Governor, his Council, the Mayor and Alder-men of this City, and most of the Commission-Officers of the Militia, none showing so great a dislike to it as *Jacob Leisler*, one of the Captains of the Train-bands of this City, who at that time had a Ship loaden with Wines, the Customs whereof amounted to upwards of one hundred Pounds, the payment of this he utterly refused, alledging, *The Collector being a Papist, was not qualified to receive it, denying the then Power to be legal*; but whether for that or his own private Interest, let the impartial judge.

The turbulent mind of this Person not being satisfied in denying the payment of the usual Customs, though appointed for the use aforesaid, he sets himself upon inventing wayes how he might overturn the Government, which was then peaceable and quiet. The first thing lie falls upon was to stir up and anmiate the People of the East end of *Long-Island* to advance, with sufficient Force to take Possession of the Fort, lest it should be in danger of being delivered up to a Foreign Power; this readily took with them, whose Minds were already heated by the Example of *Boston*, in clapping up of our Governor Sir *Edmund Andros*, and after some Consultations amongst themselves, they put forward in a Hostile manner, increasing as they came along the *Island*, until they were so far advanced as the Town of *Jamaica*, being then about Eighty in Number, where they halted, and sent up three of their principal Leaders to discourse the Lieutenant Governor, who upon their coming convened his Council, the Mayor and Alder-men of this City

City, and the Commission-Officers of the Militia of City and Country, into which Convention the Persons sent were admitted ; where after some long debates, they seemingly went away satisfied, at least so far as that they and the men accompanying them, returned home to their own Towns and Habitations, without doing the least hurt or damage to any.

This Stratagem failing our Massanello *Leyster*, in a short time after a Rumor was spread amongst the quiet Inhabitants of this City, of a horrible Design, there was of Murdering them, their Wives and Children, as they were Worshipping of God in the *Dutch* Church within the Fort, and the Sunday prefixed, when this cruel A&t was to be accomplished ; Capt. *Leyster* in the mean time instigating and stirring up the Inhabitants to self-preservation against this imaginary Design, which so far prevailed with part of the Inhabitants, as that the *Friday* before the *Sunday* markt out by this Report for the pretended Massacree, they rose in a Hostile manner ; the first who appeared in Arms were some under *Leyster*'s Command, who (as the Plot was laid) went to the House of their Captain, and threatned to shoot him if he would not head them. This no ways surprized the courageous Captain ; a substantial Reason why, himself being the sole Contriver of it : Yet whether prevailed most, the want of Valour, or the Apprehensions, if he should miscarry in this bold Attempt, the Country would be destitute of one so fit as himself to Command, we leave to the Judicious to determine.

However it was, it seemed not good unto this Champion to venture himself, but commits the Conduct of his men unto one *Stoll*, famous for nothing, unless his not being worth a Groat ; up marches *Stoll* with his brisk Followers, and to the Fort Gates they draw near, where they met with

with a very civil Gentleman, one *Hendrick Cuyler*, left under Capt. *Abraham Depeyster*, who commanded that part of the Train-bands, who by turn had the Guard in the Fort that day ; this Persons Civility was such, that its hard to determine whether *Stoll* and his party without were more desirous to enter, than he within was ready to open the Gates to them. In fine, Entrance they had, with great Acclamations and Joy on both sides, that so Meritorious a Design was not prevented.

How far this valiant Lieutenant *Cuyler*, in this base act of his, hath answered the *Law of Arms*, or the Trust reposed in him, we will not now determine; but sure we are, the season they took for accomplishing this their Unman-like Contrivance, doth not a little add to their Crime, it being at that juncture of time when our Lieutenant Governor and the Conventment (whereof we have before made mention) were consulting for the more orderly, quiet and peaceable governing this their Majesties Province, who at this sudden Change were startled, and acted what was left in their Power, publickly protesting against this rude Action, and the Actors thereof.

By this time their great Champion *Leyster* being well assured all danger and hazard was over, he most courageously girds on his Sword, marches stoutly up to the Fort, in order to his carrying on the Game he had so fairly begun, where he is joyfully received, and a Consultation immediately held, how they should obtain the Keyes of the Fort, which the Lieutenant Governor had in Custody, being in the City Hall, where he was in Consultation, as is already hinted.

The Evening approaching, Capt *Lodwick* and his Company advances to the Fort to mount the Guard, as his turn was ; some time after his being in the Fort nothing would satisfie the tumultuous Multitude, but that three or four

Files of men must be sent, under the Command of *William Churchill*, Sergeant, to Capt. *Lodwick*, to fetch the Keyes from the Lieutenant Governour [A fitter Person for such a Message could not be sent than this *Churchill*, infamous for his Mutinous and Turbulent Spirit] With much Insolence this impertinent impudent Fellow rushed into the Room where the Lieutenant Governour was, and demanded the Keyes; the Lieutenant Governour commanded him to call his Captain, who was prevailed with to come, hoping thereby to appease the People, unto whom the Lieutenant Governor delivered the Keyes, and Capt. *Lodwick* returning to the Fort, the expectations of the Multitude being answered, after publishing *Ja. Leisler* Colonel, all leave the Fort to Capt *Lodwick* and his Company, who stayed their usual time, and it was then agreed upon amongst the Captains, that each should take his turn to reside in the Fort as chief, till their Majesties pleasure should be further known.

The Lieutenant Governour, his Council and Convention aforesaid, taking into their serious Considerations what danger the Moneys was in, paid by the Inhabitants of this their Majesties Province, as well for Customs as publick Taxes, which at that time was secured in the Fort. The said Convention agreed upon and ordered, the Moneys should be removed to the House of *Frederick Phillips*, one of the Council, a man of known Credit, and the most considerable for Estate in their Majesties Province.

This was concluded on the day our Usurper *Leisler*, by his Instruments, seized the Fort, being the 31st day of *May* last past. But to no purpose was this Agreement of the Convention; for those who had made themselves Masters of their Majesties Fort, were resolved to command the Money too, being the Sum of *Seven Hundred Seventy Three Pounds*, which they peremptorily denied the Removal of, when

when demanded by the Lieutenant Gouvernour, in pursuance of the Order aforesaid. How they have disposed of this Money, is not our present busines to enquire; we leave that until the happy Arrival of a Gouvernour legally commisionated from the King.

The Fort being thus in Possession of the Captains of this City, by turns, all the Violence used for several dayes, was, that upon the arrival of any Vessel, great or small, a file of Musqueteers were sent on board, the Masters and Passengers carried to the Fort, and the Letters taken from them, some whereof were open'd, and publickly read amongst the People. Never the like known in this place, under any former English Gouvernour.

This is too little to satisfie the insatiable Ambition of this Grand Usurper *Leyler*, who could not content himself with the station Nature had fittet him for, and placed him in, but his soaring aspiring mind, aiming at that which neither his Birth nor Education had ever qualifid him for, to wit, to be their Majesties Lieutenant Gouvernour of this Province, making no matter of Conscience how illegally he attained thereunto, whether by Usurpation or otherwise. It being his turn to command in chief in their Majesties Fort the third day of *June* past, he caused an Alarm to be beat, that he might accomplish his Wicked Designs, the intent of this Hubbub being only to ensnare those of the Inhabitants, who till that day had kept themselves clear of these Actions.

The Inhabitants unanimously appeared in Arms that day, to stop the Mouthes of their Gain-sayers, and were headed by their Colonel *Nicholas Bayard*, tho' many of them sensible it was only a Sham-Alarm, as it afterwards proved.

They being all drawn up on a plain before the Fort, and no appearance of an Enemy, Colonel *Bayard* gave command to that Captain, whose turn it was to work on the Fortifications

cations of this City, That he and his Company should repair thither; and to the other Captains he gave command, that they should dismiss their men. But this not answering the end of those who were made privy to the design of *Leyster*, they march into the Fort without their Captains, who stayed so long on the Plain, until they were told, *If they went not in, the Commonality would pull down their Houses, and they would be in danger of their Lives.* To prevent which they followed their Companies, (instead of leading them) into the Fort, where a Paper was prepared to be signed by every one, the Contents being, *That with their Lives and Fortunes they would defend the Protestant Religion, and keep the Fort for King William and Queen Mary, untill their Majesties further Order.*

This being done, *Leyster* begins to think himself sure of his Point.

Gabriel Munveill, one of the Captains of the Train-bands, well considering the ill effects that such Proceedings would produce, wisely procures his discharge from the Lieutenant Governour, and no more appeared amongst them: The rest of the Captains continued their Command, more, as we are ready to believe, to do what in them lay, to prevent Mischief, and check the Insolence of this proud Usurper, whose immoderate desire after Greatness and Dominion over his fellow-Subjects, so far infatuated him, as that upon all occasions, (especially if any strangers present) he hath publickly made his boasts, how he contrived and laid the whole Design, as is before related.

The next invention of *Leyster* was to aninate and stir up the People to the choice of Committee-men, upon pretence of writing a Letter to the King, in behalf of the Country, and to consider the Reparations of the Fort, which was of absolute necessity. However legal, this company of men assembled

assembled were (who afterwards termed themselves, *A Committee of Safety*) we leave till a fitter time to dispute. But we cannot pass by the Method of their being chosen, which we are sure, was altogether illegal and disorderly, there being not one third part of the Inhabitants of this their Majesties Province that condescended thereunto, nor was it ever intended by *Leyler* they should, least by that means his expectations should be frustrated. In fine, A company of these men elected by the far least Number of the Inhabitants, coming together in the Fort, two of them indued with more honesty, and a clearer discerning than the rest, perceiving the main drift was to set up *Leyler*, and make him Commander in chief, fairly and wisely withdrew themselves, and after the first time appeared no more amongst them.

The first fruits of this unsafe Committee, as we have cause sufficient to term them, was to make *Leyler* Captain of the Fort, requesting of the other Captains of this City, that they would yield him their assistance when desired.

Now begins this Usurpers greatness, which he is no ways wanting in improving (with the assistance of his Committee men) in all the Illegal Arbitrary Acts man in so short time could be guilty of. His working Brain stands not still with commanding the Fort, nor were his desires fully answered thereby: Nothing less than Lording and Domineering in all Causes [Ecclesiastical, Civil and Military] will satisfie this man, who was and is much a-like qualified for them all.

The Laws and Liberties of the English Nation (with which we have good cause to judge, he is little acquainted) he thinks no crime to violate, not regarding the Noble Example of the late Prince of *Orange*, our now most renowned Sovereign King *William*, who for prevention of the Violation of our Laws and Liberties, hath so eminently appeared,

to the end they might be preserved in their due Channel.

This our proud Usurper finding the sweetnes of an Arbitrary Power, agreeable with his Arbitrary Mind, deems it a fault in any, who objected the Law against his Illegal Proceedings, upon all such occasions, he would angerly answer, *What do you talk of LAW, the SWORD must now Rule.* As if that which was judged so Hainous in our Native Land, would be deemed Meritorious in these parts of their Majesties Dominion.

Our neighbouring Colony of *Connecticut* being full of Disorders amongst themselves, albeit they had assumed their former Government, a general Court of that Colony sitting, take upon them to send two Persons to discourse those, who (by Usurpation) had taken Possession of their Majesties Fort of this Province. Information being given unto the Mayor, Aldermen and common-Council of this City, met and assembled at the Mayor's house the 22d of June last past, that Major *Gold* and Capt. *Fitz* were sent by *Connecticut* Colony, with orders to proclaim their Highnesses, Prince and Princesses of *Orange*, King and Queen of *England*, &c. That Board requested Alderman *William Merrit* to go to the Fort, where those two Gentlemen were, and desire the favour of them to come to the Mayor's House, which he accordingly did, and they complied with the Request: Being come to the Mayor's House, he signifies to them, The information was had of their coming to this place with directions to proclaim King *William* and Queen *Mary*, and desired they would acquaint them what Orders they had for it, that so they (of this City) might be ready to shew their forwardness to act in the same with such Honour and Splendor as the occasion required.

Major *Gold* and Captain *Fitz* answered, They came upon no such account, but came to the Persons that had the Fort in Custody,

Custody, to discourse about some particular Matters from their General Court; and that they did not know before they came from home but that the King had been already proclaimed here. That when they came to Town, going to the Fort, as they were sent, they having the Proclamation about them, Mr. Jacob Leyster desired them to let him have the use of it to proclaim the King and Queen here.

The Inhabitants being in Arms to this intent, by beat of the Drum the Mayor and Aldermen of this City (though not thought worthy to have any notice of it, till after they were proclaimed at the Fort) went to the City Hall to attend the Solemnity. Which being perform'd, Leyster desired the Mayor and those with him, to go up to the Fort and drink the King and Queens Health, which they shewed their readiness to do. No sooner were they come into the Fort, thought by invitation of Leyster himself, but he tells them, *The People were so much incensed against them, that it would not be safe for them to continue long there,* and gave them his friendly advice to be gone. An Entertainment not unlike the Person that gave it.

Their Majesties being proclaimed in this Province, and a printed Proclamation coming to the hands of the Mayor and Aldermen of this City, *That all Justices of the Peace and Sheriffs should continue till further order, except Papists,* they caused the same publickly to be read, requiring the Inhabitants to take notice thereof accordingly. This madded our proud Usurper, being averse to nothing more than a civil Government, which he knew must needs curb and be a check to his Insolency.

Therefore to prevent this he gives his Malicious Spirit the full swing, and endeavours afresh to inflame the common People, by branding of those who were in Commission of the Peace with being *Papishly affected,* for no other reason than

than that they would not joyn with him in violating all our Laws and Liberties. His envious malicious Mind could not have vented it self in a more pernicious Falshood than this ; for upon due Examination it will be found, that not one *Papist* or *Popishly affected*, throughout this their Majesties Province, were in *Commission of the Peace*, and that many whom he hath thus wickedly Scandalized, have always been of far greater Reputation, both in Church and State, than himself.

The Malice of this mans spirit hath been so general against all that would not say as he did, that the *Dutch Ministers* of the Reformed Churches within this Province, have not escaped the Lash of his inveterate Tongue. Nor hath his Endeavours been wanting to create the same Disorders and Confusion in Church as he hath already done in Government.

How far what is already related, evinceth this Usurper *Leyler* to be an enemy to and infringer of the Laws and Liberties of the *English Nation*, we leave to the judgment of the Impartial. Yet lest all that he had hitherto acted were not sufficient to declare his Averseness to the Laws and Liberties of the Free-born Subjects of *England*, he further proceeds to Action. And

On the 25th day of June last past, going into the Custom-House, where was present Commissioners appointed by the Lieutenant Governours, Council, Mayor, Aldermen and common Council of this City, Colonel *Nicholas Bayard*, one of the Council, Mr. *Paulus Richards*, Mr. *John Haynes*, and Mr. *Thomas Wenham*, Merchants of this City, who were authorized by the Convention aforesaid, to receive the usual Customs paid by the Inhabitants of this their Majesties Province, and the same to keep, until Orders came from their Majesties. The reason why this Convention took upon

upon them to authorize the Gentlemen before mentioned, was the particular Recommendation of the Lieutenant Governor, considering the circumstances of *Matthew Plowman*, Collector, and that he was not qualified, as their Majesties Proclamation, bearing date the 14th of February, 1688. directeth.

This Violator of our Laws and Liberties, going into the Custom-House, as is above hinted, abuses the Gentlemen then present with scurrilous Language, peremptorily demanding of them, *By what Authority they sat there?* To whom they modestly replyed, *That when he satisfied them what Power he had to examine them, they would return him answer, but in the mean time desired him to go out of the Custom-House, where then he had no business.*

In a little space after, this Usurper comes the second time, with his POWER, which was neither the Laws of *England*, nor this Province, nor yet a legal Commission, but a Company of men with SWORDS and GUNS, (according to his usual Maxim, *The SWORD must Rule, and not the LAW'S*) and by force of Arms turns them out of the Custom-House. In which Violent Action of this Usurper, *Colonol Bayard* narrowly escaped with his Life, who hath wisely, ever since, absented himself, lest by the Instigation of this Malicious man he might be Murdered unawares.

The next Exploit this Violent *Leyster* falls upon, is to fulfill a Promise, he was heard to make in the beginning of our Troubles, *That in two Moneths time he would do all the English Rogues business for them, so that Two of them should not be seen to walk together.* In pursuance whereof, on the 14th day of *August*, he sends several Armed men, with no other Warrant than their SWORDS and GUNS, to the House of *Mr. Thomas Clark*, a Merchant in this City, who

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at that time was under some Indisposition of Body, which they no wayes regarded, nor the Intreasy of his Wife, (then big with Child) who begged of them not to be so Rude, his Children being frighted. They replyed, *They mattered it not, if they were all Killed.* And in a Violent manner they carried this Free-born Subject of *England*, and Free-man, to the Fort, where *Leyler* layes to his charge a Paper delivered by him unto the Committee, but principally that he should say, *The next time the Drum beat an Alarm, he could raise four hundred Men.* For no other reason is this Free-born Subject of *England* confined a close Prisoner in the Fort, without any Warrant of Commitment, wherein the cause of his Confinement ought plaiably, and especially to be set down, as the Law directs; neither was there any due Process of Law against this their Majesties Subject, thus arbitrarily debarr'd of the Liberty of his Person. By which, this Usurper hath made the greatest Breach and Inrode upon the Laws and Liberties of the *English Nation*, that was possible for him to do, as the Gentlemen learned in the Law, both by Study and Practice, have sufficiently demonstrated by sound and solid Argumentis, *That the Violation of a Man's Person is a Crime of a deeper Dye, and higher Nature, than that of his Estate, forasmuch as nothing in the World is so near and dear to a man as the Liberty of his Person.* This Villanous Usurper *Leyler* not regarding the great care and pains of the Supreme Powers of *England*, met and assembled in Parliament, for these many years past, to preserve the Subjects Liberties unviolated, and to that end, how many excellent Acts have passed, which are as so many Walls and Bullwarks against all Arbitrary Usurpers, who though for a time may flourish, and meet with applause by their deluded Followers, its not probable can terminate in any thing less than utter Confusion and Destruction.

Destruction to themselves and Shame and Ignominy to their beguiled Abettors, only made use of as so many Tools for the better accomplishing their own wicked Ends, who then are to be laid aside, and new Favourits taken in.

Nothing seems so consentaneous to this abuser of our Freedom & Liberties, as the *French* Kings Maxim [*Sic Jubeo sic volo*] who by Birth, we are ready to believe, may claim the greatest share in him, or at least, by his Actions, he equally scorning, with that proud Tyrant, to give any other Reason for his Arbitrary Actions than his own unlimitted Will and Pleasure.

The many Abuses particular Persons have met withal, by having their Goods taken from them, without either Warrant or legal Proofs, would be too tedious here to insert. Upon all such Occasions, the Actors being demanded, *By what Warrant they committed this Violence?* they would usually answer, (clapping their hands upon their Swords) *Here is our Warrant.*

The keen edge of this mans Malice coul not be taken off by his Cruelty to one of them, whose Ruin he had before avowed, but he goeth on to fullfill his wicked Promise. And,

On the 16th day of *August* past causeth another Alarm, to that end and purpose, as some of his own party were heard to say, some days before it happened, *that shortly there would be an Alarm, in order to the taking hold and securing some not well affected to their Actions*, which were such as this Violent *Leisler* intended as the Subjects of his unbridled Envy. And accordingly in a violent manner, by force of Arms these following Persons were dragged to the Fort, to wit, Mr. *William Merrit*, Mr. *Jacob Dekey*, Mr. *Brandt Schuyler*, Mr. *Phillip French*, and Mr. *Robert Allison*, Merchants, and considerable Traders in this City and Province,

Mr. *John Merrit*, Son to Mr. *William Merrit*, Mr. *Edward Buckmaster*, Mr. *Derrick Vanderburgh*, who were committed the same night of the Alarm, without either Warrant or legal Process.

The next day Capt. *John Tudor* meeting with the courageous Lieutenant *Cuyler*, upon some words between them, was in like manner dragged to the Fort, as his fellow Citizens were the night before.

Mr. *Thomas Clark*, after some dayes imprisonment, was brought to that weak Condition, that he was more like to Dye than live, and was carried home in a Sedan, by order of his Goaler, *Leyster*.

Also, Mr. *John Merrit*, after 24 hours Confinement, himself being ill, his Wife much indisposed, and his only Son lying on its Death-Bed, had his liberty.

Alderman *William Merrit*, the Grandfather of this Child, greatly desiring to see it before dead, made application to his cruel Goaler, *Leyster*, for leave to visit the Child, offering any Security he should demand for his return thither; or if he pleased to send a Guard of his Souldiers with him, he would satisfie them for their trouble; but nothing could prevail with this Barbarous Man, who resolved to keep the said *Merrit*, with the others before named, during his own will and pleasure, close Prisoners in the Fort, which continued for the space of Twenty One Days, and then were set at liberty, as yet being strangers to their Crimes that deserved so severe Punishment.

On the twenty fifth of *August* comes to this place one Mr. *Jacob Milborn* from *England*, as he gave out; we are obliged to mention his Name, by reason of the great part he acts in our future Troubles. This man's affected ambiguous way of expressing himself, renders him unfit for the Conversation of any but the Vulgar, who in this Age are so apt and ready

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to admire and applaud that they understand not. This Persons decayed Fortunes were such, that not unlike a man ready to be drowned, letting go a sure hold, catches at a Twig ; so he in like manner relinquisheth his old Acquaintance and Friends, and joyns with our Usurpers, whom he revives, by telling them, *That in the middle of May last, he was in England, where all things were settled, by the common Voice of the People, in peace, under King William, who was an Elective King, and had submitted his Regal Power wholly to the People, so that it was now become a Maxim, Vox Populi est Vox Dei, and the King was only a Servant to his Subjects.* By this our Usurpers were encouraged in their old manner of Reasoning, when objected against their illegal Proceedings, *What Law or Warrant they had to back them in their Actions?* They would always Reply, *By what Law, Warrant or Commission did the Prince of Orange go into England, and act as he hath done? And how do you think King William can take that amiss in us, who have only followed his Example?* The very rehearsing of this Disloyal Comparison, is sufficient to cause an Abhorrence and Detestation in every Loyal Subject.

The next fruits of this *Milbornes News*, is, that the Committee of Safety, as they termed themselves, take upon them to give forth an Order to the Inhabitants of this their Majesties Province, signifying, *That whereas several of the Inhabitants had already turned out their old Officers, they should proceed in Election of Civil and Military Officers in the several Counties of this Province.* Some Counties accordingly did, by the appearance of small Numbers, turn out the old Justices of the Peace and Military Officers, and chose new. A Method formerly never allowed of, under any of our Kings Reigns, it being alwayes granted to be the undoubted Pergative of the King to commissionate his Justices of the

Peace, and Military Officers. However, when we are better satisfied that it hath been his Majesties gracious Will and Pleasure to seperate this Branch of his Perogative, and bestow it on the People, we shall readily show our Thankful Reception ; but till then, we think it the Duty of all Loyal Subjects, not to appear in such Elections.

The 29th day of *September* being the time appointed for the choice of Aldermen and common Council-men, in a Charter of Priviledges, granted to this City by Colonel *Thomas Dungan*, when Governour of this Province ; accordingly the Inhabitants met in the several Wards, and chose as usually, no Ward being attended with so much Dis-order in their Election as that whereunto Capt. *Leyler* belonged, who, its evident, resolved right or wrong to have his Son-in-Law, *Robert Walters*, to be returned Alderman for that Ward : The Method he took for doing it, was thus ; Coming into the place where the Inhabitants were assembled, in order to their Choice, he finding the Vote was like to be carried against his Son *Walters*, in the first place he objected against Capt. *Anthony Brockholst*'s Vote, a considerable Free-holder of that Ward, his being a *Papist* ; and afterward says, *I vote for my Son Walters, my Son Jacob votes for his Brother Walters, and my Son Walters Votes for himself, that's three, put them down* : By this means was his Son *Walters* returned for that Ward.

The usual day of publishing the Mayor, Sheriff, Town Clark Aldermen and common Council of this City for the succeeding Year, was on the 14th day of *October*, the Birth day of the late King *James*, in the mean time comes forth an Order from the Committee, empowering all the *Protestant* Free-holders of this County, on the day of *October* to elect Mayor, Sheriff and Town Clark at which Election, the far greatest Number of the Inhabitants not appearing,

appearing (well knowing, that by the express words of the Charter, that Power was solely reserved in the Governour's breast, to appoint these three Officers) the least Number of the Inhabitants, in pursuance of the Order aforesaid, met and assembled together, and by majority of Voices chose one *Peter D' Lanoy* Mayor, *Johannes Johnson* Sheriff, and *Abraham Governour* Town Clark, against which Persons we object not so much, as the Method of their being chosen; neither shall we be offended, if it shall please his Majesty to add unto our former Priviledges this likewise: The Gentlemen named being thus chosen, were published on the customary day.

By this time *Mr. Millborne* recovers of a fit of Sickness, that had hitherto rendred him incapable of acting any thing else but affording his Chamber Advice, which upon all occasions was consulted by our Usurper *Leyster*; now being restored, in great measure, to his former Health, he vigorously joyning with this Usurper and his unsafe Committee, a notable piece of service is immediately assign'd him by them, which was to go up to *Esopus* and *Albany*, in order to the bringing those Counties into the same Condition and Disorders as they had done this and the neighbouring Counties near adjacent. In pursuance hereof, he goes on board a Sloop, and sails forward to *Albany*, with fifty men, who had listed themselves as Volunteers, to assist that place, if occasion were, against the *French*; upon his arrival there, by the great care, conduct and prudence of *Peter Skuyler*, Mayor of that City, assisted by the Recorder, Aldermen, common-Council and Military Officers, the designed purposes of this dark Politician were happily frustrated, so that he returns back to this place under some Disappointment.

The 8th day of December arrives per via *Boston*, one *Riggs*, with two Paquets from his Majesty, King *William*, whereby

we hoped to have had deliverance from the Usurpation, Slavery and Cruelties of *Leyster*; but our Expectations were soon at an end, the Superscription of the Paquets being thus,

To Our Trusty and Well beloved Francis Nicholson, Esquire, Our Lieutenant Governour of Our Province of New-York in America; or in his Absence, to such as for the time being take care to keep the Peace and administer the Laws of Our said Province.

This Infringer of our Laws and Liberties, *Leyster*, peremptorily assumes the Paquets to himself, saying, *He was the man to whom they were directed in the Lieutenant Governour's absence.* But upon what pretence he deems himself the Person, except it be for his Breach of the Peace, and Obstructing the due course of Law ever since he hath possessed himself of the Fort, Arbitrarily and Illegally ruling by the Sword, is sufficiently evidenced to the *Unbyassed Reader*, by the fore-going Lines.

Frederick Phillips and Stephanus Van Cortland, both of the Council, and left in Trust by the Lieutenant Governour for the keeping of the Peace, and legally Governing of this their Majesties Province, which they carefully and honestly would have discharged the Trust reposed in them, if they had not been prevented by this Violator of our Laws and Liberties, and that with more Renown and Reputation to their Majesties, as well as the better Satisfaction of their Leige People inhabiting this their Majesties Province.

The two Gentlemen of the Council before-named, being sent for to the Fort, by the request of Mr. John Riggs, (the Paquets being by him, at that time not delivered) they signified to *Leyster*, and those present with him, *That they were ready to observe such Orders as His Majesty had given in His Paquets to His Lieutenant Governour, then absent, from whom*

whom they, together with Colonel Bayard, had Instructions to keep the Peace, and administer the Law of this Government, which they always were ready to have fulfilled, if had not been obstructed.

At this our Usurper Rages, and vents his Passion in his usual Billings-Gate Rhetorick, calling them, *Popishly affected Dogs and Rogues*, and bids them immediately go out of the Fort, for they had no business there. A strange Entertainment to them, who for these many Years past have always, as Counsellors, officiated under the several Governours of this their Majesties Province, and at that time were those who were left in Trust by their Majesties Lieutenant Governour. However, seeing there was no Remedy but Patience, (this Violent Usurper resolving still to Govern by the S W Q R D) they quietly went to their Own Homes.

Their Majesties Paquets being thus assumed by our Usurper, he immediately abuseth his deceived Abettors, by affirming to them, *He had received a Commission to be their Majesties Lieutenant Governour, and that all their Actions were well approved of.* This readily gained Credence with the Vulgar, who are too apt and willing to be beguiled by their Popular Leader. From this time forward he assumes the Title of *Lieutenant Governour*, and according to the Instructions given in the Paquets, he swears some, who were of his Committee of Safety before, to be Counsellors now, as also some few more of the Inhabitants, much alike unto these Persons, neither of the highest Rank nor Reputation, but such as our Usurper was well assured were for his turn. This being done, they proceed to Action.

N.B. On the 16th day of December an Order comes forth, entituled, *By the Lieutenant Governour and his Council*, signed underneath, *Jacob Leyster.*

The Contents as followeth.

By the Lieutenant Governour, &c. and Council.

WHereas there is an Act of Assembly, dated One Thousand Six Hundred Eighty Three, entituled, A continued Bill for defraying of requisite Charges of the Government, and many of the Inhabitants of this Province, notwithstanding they have subscribed to comply with the same, have disputed it, when required thereunto.

These are therefore to give Notice unto all Persons within this Province, that the Customs and Excise settled by the said Act, hath and doth still remain good, and of full Force, and that the Collectors and Receivers thereof, are impower'd to do their duty therein; All Persons being hereby strictly required to obey the same, as they will answer the contrary at their Peril. Given under my Hand at Fort-William, this sixteenth day of December, 1689.

Jacob Leyster.

This Order of the pretended Lieutenant Governour and Council, being set up in all the Publick Places of this City, did not a little Alarm the considerate Inhabitants, who thereby clearly saw the willingness of this Usurper and his Abettors,

Abettors, to enslave them and their Posterity, so that he might command their Purses. A strange Change in a little time! for this *Leyster* in the beginning of our Troubles, was the first man that disputed the payment of the Customs, consulting with several of the Inhabitants, how those Arbitrary Impositions might be pulled down. Further, how contrary this Order of our Usurper, and Abettors, is to their own so often repeated Maxim, [That whatsoever was acted by a Papist Governour, or under his Authorit, was ipso facto null and void, and of no effect in Law.] If there yet remain any Candour or Ingenuity in this violent Man and his Abettors, it will be more honourable for them publickly to Recant so plain an Error, than still to persist in it; for we pray of the Unbyassed Reader, what else is the intent, purport and meaning of this Order, but to enforce a Law made by a Papist Governour, and under his Authority, which, by their own Argument, is void in it self. So that they must either own, this their dark unintelligible Oracle, hath much deceived them in this point of his Politicks, or its evident to the World, they have assumed upon themselves a Power to levy Taxes, Customs and Benevolences, upon the Inhabitants of this their Majesties Province, without and contrary to their own Consent, notwithstanding the many wholsom Laws that have passed, under the several Kings Reigns in the Realm of *England* made for the presevation of the same; as also contrary to a particular Branch of that Act which their Order hath reference unto, that in express words says thus, *That no A'd. Tax, Tallage, Assesment, Custom, Loan Benevolence or Imposition whatsoever, shall be laid, assessed, imposed or levied on any his Majesties Subjects within this Province, or their Estates, upon any manner or colour of Pretence, but by the Act and Consent of*

the Governor, Council and Representatives of the People in General Assembly met and assembled.

Now to the end we may further make out to the World the Unreasonableness as well as the Illegality of this, we cannot omit to advertize the *Impartial Reader*, That in the Year 1683. arrived to this Province Colonel *Thomas Dongan*, appointed his Majesties Governor under his Royal Highness the *Duke of York*, the Lord Proprietor of this Province, who in a short time after his arrival here, according to particular Instructions given him by his said Royal Highness, did issue forth Writs to the several Counties within this Province, for the electing of Members to serve in General Assembly, which accordingly was done, and the same were convened, and begun their first Session on the day of *October*, and the first Act that past this Sessions, was that their Order refers to, wherein our Representatives wisely provided again't the critick Lawyers of this Age, who too nicely distinguish betwixt the Kings Subjects inhabiting Within the Realm of *England*, and those inhabiting his Dominions abroad, denying the Latter the Priviledges confessed to be the undoubted Birth-Right of the former: upon which our said Representatives, prudently in the first part of that Act endeavour to secure unto themselves and Posterities what was the Birth-Right of every Free-born Subject of *England*. This being done, They continue this Act for the defraying of the necessary Charges of this Government, which begins thus,

The Representatives of his Royal Highness's Province of New-York, convened in General Assembly, Hive, for and in consideration of the many Gracious and Royal Favours expressed and extended to the Inhabitants of this His Province,
and

and alfo for the Bountiful Confirming and Reserveng to the
and their Posterity, the Rights and Priviledges, Liberties an
Immunities before recited and expressed, and for the better defraying
of the necessary Charges and Expence of this Province.

How far this Act is binding upon the Inhabitants of the
Province, will further appear, by duly considering another
Clause of this very Act, which runs thus,

That all Bills agreed upon by the said Representatives, or
the major part of them, shall be presented unto the Governour
and his Council, for their Approbation and Consent; all and
every which said Bills, so approved of and consented to by the
Governour and Council, shall be esteemed and accounted the Laws
of this Province; which said Laws shall continue and remain
in force untill they be repealed by the Authority aforesaid, that is
to say, the Governour, Council and Representatives in Ge-
neral Assembly, by and with the approbation of his Royal
Highness, or expire by their own Limitations.

Now that this Act of the Assembly, in a strict fence, can-
not be allowed to be a Law of this Province, and so not
binding upon its Inhabitants, We Humbly offer these
Reafons.

1ſt, For that by the Authority aforesaid, this Act never
was assented unto, the approbation of his Royal Highness
being alwayes wanting, who was ſo far afterwards from ap-
poving of it, that he utterly diſallowed the ſame, and that
firſt by a Letter to his Governour, Colonel *Thomas Dongan*,
and afterwards coming to the Imperial Crown of *England*,
he publickly diſallowed that Act, by ſending over a Com-
mission, under the Broad Seal of *England*, to the ſaid Colonel
Dongan, to be Captain General of this Province, and with
ſeven Counſellors to govern the Inhabitants thereof, any
five of which Counſellors made a Quoram, and the majority
of that five, with the Captain General, were impowered to

make all Laws. A Method contrary to what the afore-recited Acts prescribes.

2dly, Our Second Reason why this Act is no wayes binding on the Inhabitants of this Province, is, That the Customs, Impositions and Excises granted unto his then Royal Highness, his Heirs and Successors, in the said Act, were given in Consideration of his said Royal Highness Confirming to the Inhabitants the Charter Priviledges, making up the first part of the said Act, which never was enjoyed by the Inhabitants, nor confirmed to them, but the contrary, as is proved.

3dly, For that hitherto we are ignorant of any Law, either made within the Realm of *England*, or this their Majesties Province, by which the Inhabitants thereof are obliged to pay unto his Majesty the Custom and Excise set down in the before-recited pretended Act of Assembly: When any such Law is produced, those of us who have signed to pay unto King *William* the Customs due unto him, when legally demanded, shall readily comply; but untill that be done, we cannot see those Notes, given by several of us for peace and quietnes sake (importing no more than what is above written) are any wayes Obligatory. However, when it shall please Almighty God, a Governor arrives to this Province from King *William*, we are ready to submit this point, as well as all other Abuses and Irregularities done unto us, then to be decided in a legal way and manner. To a Governour, so arriving, we shall not be backward to assist, either with our Persons or Estates, for the more orderly and peaceable governing this Province, and defraying the publick Charges thereof, in such a way and manner as shall be legally agreed on.

On the 23d of December, about seven or eight a Clock in the

the Evening, *Jacob Dekey, junier, Son to Jacob Dekey*, already mention'd, with *Cornelius Depeyster*, Son to the Widdow *Cornelio*, both Lads, were violently carried away to the Fort by force of Arms, without Mittimus or legal Process, alledging, They had defaced and torn down the Order of the pretended Lieutenant Governour and his Council, which upon a due Examination will evidently appear, was standing several hours after their Commitment. How solicitous this Cruel Usurper is to vent the Fury of his Rage against both Young and Old, is evident to all, by the illegal Confinement of these two Lads, for no other cause but his own Arbitrary Will and Pleasure.

The same night an *Indian Slave* belonging to *Phillip French* was dragg'd to the Fort, and there imprisoned.

The next day Mr. *French* falling in amongst some of *Leyster's* Crew, resented the Injury done unto him, by the illegal detaining of his Slave so highly, that some of the standers by immediatly went and informed against him, so as that in a short time after, as the said *French* was walking in the publick Streets of this City, about his lawful Affairs, *John Burger*, Sergeant to this Usurper *Leyster*, attended with six Musqueteers, layes violent hands on him, and tells him, he was his Prisoner, and to the Fort he must go. Mr. *French* replyed, Not unless you carry me, which accordingly they did, in the nature of a dead Corps, though living, where he soon meets with the Entertainment of a close Imprisonment.

Some hours after the Commitment of this his Majesties Subject, by his own particular Request, Capt. *John Tudor* and Mr. *James Emes*, both allowed Attornies of this Province, made application to his Goaler *Leyster* for a Copy of his Mittimus, in order to their taking such care for their Clyents enlargement, as the Law allowed of, and directed unto.

unto. All the answer they obtained at that time, was, That he could do nothing without advising with his Council, and they should meet in the Evening, when they might re-attend. This they carefully did, though to little purpose; for they were denied entrance into the Fort that Evening several times; nor could they be admitted to speak with their Clyent, so that near twenty four hours were expired e'er this Usurper saw cause to deliver the following Papers, which for the Readers satisfaction, we shall here recite verbatim.

Fort - William, December 24. Anno 1689.

WHereas Complaint is made to me, That Mr. Phillip French hath, in a most insolent manner, contemned this Government, threatening to tare off (if it had not been already done) the Proclamation for continuing his Majesties Customs and Excise, according to an Act of Assembly, &c. although it was forbid all Persons at their Peril.

These are in his Majesty King William's Name to will and require you to bring the said French before me and Council, to answer for the same. Given under my Hand and Seal the date abovesaid.

To Sergeant John Burger,
and his Assistants.

Jacob Leyler.

At a Council held in New-York the 24th of December,
Anno 1689.

Present, Lieutenant Governour, Maf. Guyler,
Samuell Edsall, Benjamin Blagg,
Thomas Williams, John Van Cousoenkeven,
Hendrick Janse, Alderman.

Whereas Phillip French hath behaved himself very Com-
temptuously against the Lieutenant Governour and
Council, as by Evidence taken before him, doth appear, and
continueth in the same, being examined before them.

Ordered, That the said French be forth-with committed to
safe Custody within Fort William, till further Consultation in
this matter.

A True Copy, Examined by
Jacob Milborne, Secretary.

Now whether the Reason of this Usurper's deferring the
delivery of the Warrant and Order of Council, above man-
scribed, may not rationally be construed, as some do, that
the Warrant directed to Sergeant John Burger and his
Assistants was written several hours after Mr. French's being
close Prisoner, or not, is a question we shall not now insist
on.

The Warrant and Order of Council, above-written, com-
ing to the hands of the before-named Attorneys, on the
behalf of their Clyent, they apply themselves afresh to the
pretended Lieutenant Governour and Council sitting on
Christmas-Day in the Evening, to whom they signified, That
having perused the Warrant and Order of Council, by which
Mr. Phillip French was committed close Prisoner within the
Fort, they found nothing contained in either, but what, ac-
cording

cording to the known Laws of *England*, as well as this Province, was Baylable, and for that end and purpose they appeared before them, on the behalf of their Clyent, to offer Bail to the value of Twenty Thousand Pounds, if desired, for his appearance in any Court of Record within this County, there to abide such Determination, as by leg. 1 Process should be made against him, for or by reason of the Charge alledged against him in the aforesaid Warrant and Order of Council.

All the Arguments used by these Gentlemen of the Law, no w^{ay}es prevailed with this cruel *Leyster*, and his Nominal Council, whom he is making use of, as his Tools, for the better cloaking of his own Arbitrary Illegal Actions and Intentions. It seems as if this Usurper was of the same Opinion with some Souldiers in *Plutarch's* time, who wondred *any would be so importunate to preach Laws and Moral Reasons to Men with SWORDS by their sides*; as if Arms knew not how to descend to Rational Inquiries. All the Satisfaction given to this so lawful demand of Bail on the Prisoners behalf, was only some small diversion our late Upstart Statesman, Mr. *Milborne*, (now advanced to the Secretaries Office by his New-made Lieutenant Governour) was pleased to afford them, by dropping now and then his wonted obscure Sentences, asking the Prisoner's Counsel, *Whether they would submit the Determination of their Clyent's Cause to the Lieutenant Governour and Council?* Who thereupon modestly enquired, In what Capacity they sat there, whether Military or Civil? Answer was made by *Milborne*, *Both*. The Uncertainty of this Reply, as well as its Unreasonableness, yielded fresh matter to argue upon; all which centred here, that our dark Politician demanded, *How they would help themselves, or by what means they would be relieved?* To whom it might have been fitly replyed, *In the same way and manner*

as you, not many Years past, recovered Forty Five Pounds by a legal Course, against Sir Edmund Andros, for nine hours false Imprisonment. For notwithstanding the many endeavours used by our Usurper to quash the various Reports coming to us, many wayes, of a Governour hastning from his Majesty for this Province, we are not discouraged in our Expectations of, and well wishing for his safe arrival, and then we doubt not but to see some of our Usurpers receive the just Demerits of their illegal Arbitrary Doings.

The 4th of January Captain John Tudor, by particular Warrant from Mr. Phillip French, applied himself to the Mayor of this City with the Kings Writ of *Habeas Corpus*, returnable to the next Mayor's Court, which was the 7th of the same Moneth: This Writ so signed by the Mayor, was safely conveyed to Mr. French, and by him delivered to his Keeper, who forth-with acquainted the head Goaler, Leyster, therewith, who immediately ordered the Windows where the said French was confined, to be nailed up, and that a more strict watch should be kept over him, as if the Cruelties already exercised towards this Free-born Subject of England, were not sufficient, who hitherto hath been denied the access of his Friends and Acquaintance; no, not so much as his Counsellers at Law admitted to come near him. A Usage more Cruel and Barbarous than the most Notorious Fellow, Traytor or Rebel commonly meet withal.

The 7th of January being come, and the Mayor's Court sitting, Mr John Tudor diligently attended it, expecting to have met his Clyent there, by virtue of the aforesaid Writ, waiting a considerable time, and no appearance of Mr. French, he informed that Court, That the Mayor was pleased on the 4th Instant to sign his Majesties Writ

of *Habeas Corpus* for the bringing the Body of the said Mr. French, together with the Cause of his Commitment before that Court, where he was ready to argue on the behalf of his Clyent the matter of Law that might arise; but seeing he was disappointed, by the aforesaid Writ being disobeyed, he should take upon him to open to the Court the nature of the said Writ, which (said he) is a Writ granted in the Subjects favour, to prevent the illegal detainure of any of the King's Subjects falsely imprisoned. So that a Violation of this kind, was a Crime of the deepest dye, and every Subject was nearly concerned therein, none knowing whose turn it might be next to have their Liberties subjected to the Arbitrary Will and Pleasure of this Man, [Leyster.]

Also, to the Bench he directed himself in this manner, You who are the Mayor and Aldermen, for the time being, of this City, and so consequently the Patrons thereof, it behoves you to take care, the Antient Liberties and Freedoms of this City be not infringed, and that its Inhabitants be not in this manner dragged, by a Marshal Force, to the Fort, and there kept close Prisoners.

Our Usurper's Oracle, Milborne, being present in the Court, after a long continued Silence, Learnedly expresseth himself thus, I do affirm to this Court, That Mr. French is none of the King's Subject, without giving any further Reasons. At which the standers by hissed, and some publickly charged him with being the principal Author of our present Troubles.

On the 12th of January certain Advice coming to this place of a Ship designed to this Port, whereof one Prents was Master, being struck on some Rocks near New-London, and Mr. French being chiefly concerned in the Loading, was forced to submit to this Proud Usurper, and to Petition

Petition him by the Title of *Lieutenant Governour*, who had before menaced him, if he would not give the Title of *Lieutenant Governour*, he would put him where **HE SHOULD NEVER SEE THE FACE OF MAN MORE.** To prevent which, and the exigency of his Affairs at that time, he gratified the Ambitious humor of this man, *Leyster*, and thereby obtained his Liberty, upon his and Mr. *Thomas Winham's* entring into a *Recognizance* of Five Hundred Pounds to the King, for the said *French* his good Behaviour during Twelve Moneths and a Day from the date thereof.

To return again to our Account of the two Lads first imprisoned. *Cornelius Depeyster*, by the humble petition of his Mother, was set at liberty. *Jacob Dekey* is still under **Confinement**, albeit his **Enlargement** has been much endeavoured by his Master, Mr. *John Barbarie*, a considerable Merchant in this City, who went to his *Goaler Leyster*, and offered Two Thousand Pounds Security for his Mans appearance to answer a legal *Proces* against him. to which end and purpose a *Copy* of his *Mittimus* hath divers times been demanded, but could not be obtained, nor no *Bail* would be taken; Nothing will serve this proud *Usurper*, *Leyster*, nor release this Lad, but his Parents sending in a *Petition*, directed to *Jacob Leyster*, *Lieutenant Governour*, and his *Council*, wherein they must beg *Forgiveness* for Faults they are ignorant of their Son's being guilty of. A strange and unheard of Method to force People to pay *Homage* to his Person! Children must be taken from their Parents, Servants from their Masters, Husbands from their Wives, Masters from their Familes, and all this on no other account than their denying to give this proud *Usurper*, *Leyster*, a *Title* that no way appertains or belongs to him.

And we dare this Proud Man to produce, if he can, any Actions against those Inhabitants he most maliciously Characterizes as *Popishly Affected*, so much favouring of *PROPERTY* as these we charge him with, and are ready to prove against him when a convenient time and opportunity present.

For, we pray the *Unbyassed Reader*, what is the difference betwixt bloody Bishop Bonner's Coal hole, and this Cruel Unmerciful Usurpers Dungeon and Bullet Hole, the former being fitted and prepared for the poor *Protestants*, that would not idolize their Consecrated Wafer, this latter for the quiet Inhabitants of this their Majesties Province, who cannot in their Conscience ascribe that Honour to him which is only the Right of the *KING* to infer upon him, and then its time enough for his Subjects to Obey.

The 13th of January this Usurper, *Leyster*, sends under the Command of Lieutenant *Churchill* Twenty Souldiers over to *Long-Island*, the next day they came to *Jamaica*, where they in a violent manner, by force of Arms, broke open the House of Mr. *Daniel Whitehead*, one of his Majesties Justices of the Peace, appointed by our Lieutenant Governour *Sir Edmund Andros*, and being entred into the House, they in like manner aforesaid brake open several Chests and Boxes, but found not what they looked for, and so returned the next day without doing any more Mischief, as we yet hear of.

On the sixteenth of January, the publick Post, Mr. *John Perry*, setting out from the House of Colonel *Lewis Morris*, towards *Boston*, was not advanced on his way above a quarter of a Mile before he was laid hold on by

by Warrant from our Usurper *Layler*, and brought back to this place, *New-York*, with his Letters, which were opened and perused at the will and pleasure of this Arbitrary Man, who, its plain and evident unto all that are not willfully blind, hath made it his Contrivance how to Ruin the Inhabitants, and hinder the Prosperity of this Province, ever since his taking upon him to govern by the *SWORD*, which he hath in great measure effected, by his continual Breach of the Peace, and Obstructing the due Course of Law and Justice. But lest this were not sufficient, he resolves to destroy, as much as in him lies, the Commerce and Trade of this Province. A more ready way than this could not have been taken by him for that purpose, to obstruct and hinder Advice, which is acknowledged by all to be the Life of Trade; for how can this be given or received, where intercepting mens private Letters, is become so Modish with our pretended Rulers, as that they are so far from counting it a Crime, as by their Actions they deem it a Virtue.

Before we draw to a Conclusion of this our Declaration and Narration, which is already swelled beyond its intended limits, We cannot omit transcribing two other Branches of the pretended Act of Assembly, they seemingly make such a padder about, which upon an impartial Enquiry (allowing it to be an Act binding, though that we cannot do, for the Reasons already given) these our Usurpers will be found the greatest Violaters thereof. The Branches we think fit to insert are these following, *viz.*

“ That no Free-man shall be taken and imprisoned, or
“ be dispossessed of his Free-hold, or Liberty, or Free Cu-
“ stoms, or be Outlaw'd, or Exiled, or any other ways
“ destroyed;

“ destroyed; nor shall be passed upon, Adjudged or Con-
“ demned, but by the Lawful Judgment of his PEERS,
“ and by the Law of this Province.

“ Justice nor Right shall be neither sold, denied, or defer-
“ red, to any man within this Province.

“ That in all cases whatsoever, Bail by sufficient Surety
“ shall be allowed and taken, unless for Treason, or Fellony,
“ plainly and especially expressed and mentioned in the
“ Warrant of Commitment.

How far these our Usurpers Actions evinceth their
little Regard unto the pretended Act of Assembly, except
it be to that part which would bring Graft to their Mill, let
the Unbiased judge.

This Arbitrary Proud Person, *Leyler*, having thus far
exalted himself above his Brethren, despairs to own his
very Kindred, unless they will entitle him *Lieutenant Go-
verneour*, nor will he free them from his Bullet-Hole on
any other Terms.

A plain Demonstration of this he hath given by his late
carriage to *Mr. Lucas Keerstead*, who after the usual manner
was forced to go to the Fort; when he came before this
Usurper, he softly applies himself thus to him, *Cousen
Leyler, What is your Will and Pleasure?* At this he flyes
out in a great Rage, *How dare you call me Cousen?* Then
he spoke to him by the Name of *Captain*, but that would
not do, and he was told, that if he gave him not the Title
of *Lieutenant Governeour*, he would be put amongst the Bullets.
To avoid which, he gave him that Title, and then was
suffered to go home.

Its strange this Violent Man, *Leyler*, who otherwise is

so Politiek, should be at a stand, when this plain Question is put to him, *Who gave you this Name?* Why doth he not answer, as in truth it is, *My Godfather Mr. Milborne, and his Assiant Vain Glory, together with my God-mother Ambition, who have engaged on my behalf, that I should cleave to the Infernal Prince and his Works, Hug and imbrace all the Pomp and Vanities of this Wicked World, and as I had bisherto been so, I should still continue a faithful Servant to that Black Prince of the Air, as long as the many Headed Beasts, the Rude Multitude, would stand by me.*

To Sum up all, We readily submit the decision of this Question to the Considerate Peruser of the fore-going Lines, Whether those branded by Leyster, as *King JAMES his Men*, or himself and his Rude Crew, deserve that Title most?

Sure we are, that upon a serious perusal of the Declaration, entituled, *The Declaration of the Lords Spiritual and Temporal, and Commons assembled at Westminster, Die Martis 12 Februarij, 1689.* several Articles therein exhibited against the late King *James*, and declared Illegal, are and have been most notoriously committed by this Usurper and Abettors, some whereof we shall here insert and set down, as in the said printed Declaration, *viz.*

That levying Money for or to the use of the Crown, by the pretence of Prerogative, without Grant of Parliament for longer time, or in other manner than the same is or shall be granted, is Illegal.

That Excessive Bail ought not to be required, nor Excessive Fines imposed, nor Cruel and Unreasonable Punishment inflicted.

That this Arrogant Man, Leyster, is palpably guilty of both these Branches before recited, we prove thus, *viz.*

That

That by his Instruments he hath and doth exact (by pretence of Prerogative, and for the use of the Crown) Customs, Impositions and Excises, never granted to the Crown; which that he might the better accomplish, he hath taken upon him to erect a Court of Exchequer, constituting as Members of the said Court, viz. *Samuel Edsall, Benjamin Blagg, Jobannis Provesti, Hendrick Jansen, John Coorenhaven*, who began their Sessions on the 20th of January, the 18th of the same Moneth several of the Inhabitants received Summons to appear at this unusual Court on the day above said, to give their Reasons why they wou'd not pay the Monyes they were indebted to the King for Custom.

The Persons so summonsed unanimously made choice of *Mr. Thomas Clark* to appear for them, who went to the Fort, where this Court was sitting, and being admitted, he first enquires, *Whether any there had a Commission from King William to be Baron of his Exchequer?* and if any, that his Commission might be publickly read: and afterwards proceeded to show the Unreasonableness of their Demands; but all to little purpose, the Court proceeding to enter Judgment against the Inhabitants, for whom he appeared, only giving them eight dayes time to consider, whether they would voluntarily pay their (illegal) demands, which otherwise would be levied upon them by Distress.

About four a Clock in the after-noon of this day, was in some measure verified an Expression our Usurper not long since, was pleased to utter to a Person of good Reputation in this Province, who enquiring of him, *By what Power he did such Actions?* To whom he answered, *That he was invested with such a Power, as in a little time he could Command the Head of any man in the Province, and it would be forthwith brought him.* something like hereunto was this day fulfilled;

fullfilled; for giving Command to *William Churchill*, and several Soldiers with him, assisted by some of the Inhabitants of this City, namely, *Abraham Brazier*, *Abraham Clomp*, *Wit Timber*, and divers others, they go to the House of Col. *Nicholas Bayard*, and by force of Arms enter the same, breaking open several Doors and Locks, in order to the seizing of the said Colonel *Bayard*, whom (as some of them said) they were ordered to take dead or alive. Colonel *Bayard* for his own security had left his own House, and was gotten into his Neighbours, near his back-side, viz. one Mr. *Richard Elliot*, a Cooper, whose House in like manner by *Churchill* and his Attendants, was broken open, where they laid hold of Colonel *Bayard*, and in a most Abusive manner dragg'd him to the Fort. In this Riotous Tumult was stolen out of the House of the said *Elliot*, three Silver Spoons.

But the unlimited Will of this Violent Rapacious Usurper was not yet satisfied with the taking and imprisoning of Col. *Bayard*, nor his Malice thereby fully answered: for in like manner he vents his Fury against *Stephanus van Cortlandt*, late Mayor of this City, whose House likewise was broken open, and most of his Doors and Locks spoiled, though they were frustrated of their Design, by his escaping out of their cruel hands for that time.

Also, Mr. *William Nicols* was laid hold on by the men of *Breuckle* at the Ferry-house on *Long-Island*, and was brought over in the Evening and carried to the Fort.

The next Morning the Ferry-man was in like manner brought to the Fort, where these three Subjects of their Majesties are illegally imprisoned, and with whom how Barbarously they intend to deal, Time will best discover.

We shall end this our Declaration and Protestation, Narratively set down, by naming the principal Authors of our present Miseries, which are these following, viz.

<i>Jacob Leyster,</i>	<i>Thomas VVilliams,</i>
<i>Jacob Milborne,</i>	<i>Benjamin Blagg,</i>
<i>Samuell Edsall,</i>	<i>Hendrick Fansen,</i>
<i>Peter D' Laney,</i>	<i>Hendrick Cuyler,</i>
<i>Dr. Samuel States,</i>	<i>John Cowenhoven,</i>
<i>Dr. Ger. Beckman of Flackbus.</i>	

Against whom we wait a fair opportunity legally to proceed. Dated in New-York this 21th of January, Annoq;
Domini 1690.

F I N I S.

